

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW TORO,

Plaintiff,

-v-

FIVE ELEMENTS INC.,

Defendant.

22 Civ. 7351 (PAE) (KHP)


ORDER

PAUL A. ENGELMAYER, District Judge:

On November 29, 2022, following a case management conference, Judge Parker set a deadline for plaintiff Andrew Toro (“Toro”) to move for default judgment as December 30, 2022. Dkt. 10. Toro did not move for default judgment by that deadline, though a clerk’s certificate of default was entered. *See* Dkts. 11, 13. On April 27, 2023, Judge Parker ordered Toro to file a letter by May 8, 2023 explaining why this action should not be dismissed for failure to prosecute his claims and for failure to abide by the Court’s orders. Dkt. 14. The Court has not received any communications from Toro on the docket of this case since the April 27, 2023 Order, nor has he moved for default judgment.

Accordingly, the Court dismisses this case without prejudice for failure to prosecute. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: May 11, 2023
New York, New York